

Mark Ahlemeyer, OSB No. 095997
Federal Public Defender's Office
101 S.W. Main Street, Suite 1700
Portland, Oregon 97204
Tel: (503) 326-2123
Fax: (503) 326-5524
Email: mark_ahlemeyer@fd.org
Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Case No. 3:22-cr-00130-HZ

Plaintiff,

v.

**DEFENDANT'S SENTENCING
MEMORANDUM**

ANTHONY AMOSS,

Defendant.

Mr. Anthony Amoss will appear before this Court on October 4, 2022, for sentencing upon his plea of guilty to a misdemeanor count of Destruction of Government Property in violation of Title 18, U.S.C. § 1361 (a). His applicable guideline range is 0 to 6 months in prison. The government and the defense jointly recommend a time-served sentence with a one-year term of supervised release, a \$25 fee assessment, and a special condition that Mr. Amoss complete 40 hours of community service.

APPLICABLE LAW

Federal sentencing is premised on the “parsimony principle” articulated in 18 U.S.C. § 3553(a). *Dean v. United States*, 137 S.Ct. 1170, 1175 (2017). That principle dictates

that a sentence be “sufficient, but not greater than necessary,” to comply with the following purposes of sentencing:

- To reflect the seriousness of the offense;
- To afford adequate deterrence to criminal conduct;
- To protect the public from further crimes of the defendant; and
- To provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

18 U.S.C. § 3553(a)(2).

In arriving at a sentence that is sufficient but not greater than necessary, § 3553(a) also requires a court to consider the nature and circumstances of the offense, the history and characteristics of a defendant, the kinds of sentences available, and the sentencing range established by the advisory United States Sentencing Guidelines. 18 U.S.C. § 3553(a)(1), (3)-(7); *United States v. Carty*, 520 F.3d 984, 991 (9th Cir. 2008); *United States v. Booker*, 543 U.S. 220 (2005).

SENTENCING RECOMMENDATION

Here, there are no disputes about the applicable guideline range or the appropriate sentence. Mr. Amoss has no prior convictions and is, therefore, in Criminal History Category I. After a 2-level guideline reduction for acceptance of responsibility, Mr. Amoss’ Final Offense Level is 4. Accordingly, his advisory guideline range is 0 to 6 months of imprisonment. As discussed in an accompanying filing, Mr. Amoss’ background and characteristics, the nature and circumstances of the offense, and the other relevant sentencing factors support the parties proposed sentence. Mr. Amoss respectfully requests that the Court find the joint recommendation warranted and orders a

sentence of time-served, a year of supervised release, a \$25 fee assessment, and a special condition requiring Mr. Amoss to perform 40 hours of community service.

Respectfully submitted on September 28, 2022.

/s/ Mark Ahlemeyer

Mark Ahlemeyer, Attorney for Defendant